

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CITY OF SEATTLE,

Plaintiff,

v.

MONSANTO COMPANY, *et al.*,

Defendant.

Case No. 2:16-CV-00107-RSL

JOINT STIPULATED MOTION AND
ORDER AMENDING ORDER SETTING
TRIAL DATE AND RELATED DATES

I. INTRODUCTION

Plaintiff City of Seattle (“Plaintiff”) and Defendants Monsanto Company, Solutia Inc., and Pharmacia LLC (collectively “Defendants”) (collectively, “Parties”), respectfully submit this Joint Motion to Amend the Second Amended Order Setting Trial Date & Related Dates (“Motion”). There is a stay currently in place which expires on July 31, 2020. Pursuant to the Court’s Order on the Parties’ Stipulated Motion to Extend Stay of Case, the Parties jointly submit this proposed Order Setting Trial and Related Dates. *See* Dkt. #154.

II. RELEVANT FACTS

As pertinent to this Motion, on March 11, 2020, the Parties filed a Stipulated Motion to Stay the Case. *See* Dkt. #150. The stay was set to expire on April 24, 2020. The Parties agreed to propose a modification to the trial schedule once the stay was lifted. *See* Dkt. #150. The Parties further agreed that “the schedule they will propose will provide for

1 Defendants to complete a CR 30(b)(6) deposition of the Plaintiff at least thirty days before
2 the deadline for exchange of expert reports.” *See* Dkt. #150. On March 16, 2020, this Court
3 granted the stay. *See* Dkt. #152.

4 On April 22, 2020, the Parties filed a Stipulated Motion to Extend Stay of Case until
5 July 31, 2020. *See* Dkt. #153. This Stipulation included the same agreement to confer and
6 propose a schedule that “will provide for Defendants to complete a 30(b)(6) deposition of the
7 Plaintiff at least thirty days before the deadline for exchange of expert reports.” *See* Dkt.
8 #153. On April 23, 2020, this Court granted the extension of the stay. *See* Dkt. #154.

9 In order to accommodate the Parties’ agreement regarding the timing between the
10 FRCP 30(b)(6) deposition of Plaintiff and the provision of expert reports, the Parties submit
11 a proposed Order which contains staggered dates for the close of fact discovery and expert
12 discovery. Additionally, based on previous experience, the Parties included additional time
13 at the end of the proposed Order Setting Trial and Related Dates to allow adequate time for
14 briefing pre-trial motions and adequate time for rulings on those motions.

15 The Parties are requesting an extended schedule for reasons that include the current
16 situation with Covid-19. The review of hard copy documents and in-person depositions are
17 likely delayed for months. The City of Seattle is transitioning to new outside counsel and
18 new counsel needs to get up to speed on this complex case. The City’s former outside
19 counsel did not provide the City with the database of documents the City had already
20 produced until the end of June. The City’s new counsel needs to become familiar with the
21 tens of thousands of documents already produced. These are some of the factors that led the
22 Parties to request the attached schedule.

23 III. CONCLUSION

24 The Parties respectfully request that this Court enter the Parties proposed Order
25 Setting Trial and Related Dates filed concurrently herewith.

1 Dated this 31st day of July, 2020.

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REVISED SCHEDULING ORDER

Deadlines	Current Dates¹	Proposed Amended Dates
TRIAL DATE (the Parties do not agree on the likely length of trial) Plaintiff's estimate: 3 weeks Defendants' estimate: 8-12 weeks	November 2, 2020	March 7, 2022
Fact Discovery Completed By ²		May 14, 2021
Deadline for amending pleadings	May 13, 2020	May 14, 2021
Reports from expert witnesses under FRCP 26(a)(2) due	May 13, 2020	June 18, 2021
All motions related to discovery must be noted on the motion calendar no later than the Friday before discovery closes pursuant to LCR 7(d) or LCR 37(a)(2)		
Expert Discovery Completed By	July 15, 2020	September 3, 2021
Settlement conference held no later than	July 22, 2020	October 1, 2021
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d)(3))	August 4, 2020	October 7, 2021
All motions in limine must be filed by and noted on the motion calendar no earlier than the second Friday thereafter. Replies will be accepted.	October 5, 2020	December 2, 2021
Agreed pretrial order due Pretrial conference to be scheduled by the Court	October 21, 2020	January 28, 2022

¹ Some of these deadlines occurred during the stay, and therefore, the Parties request that the new proposed dates be entered.

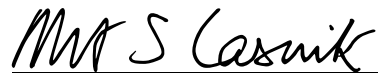
² The current case schedule includes a single date for discovery cutoff. The Parties request two separate dates: a fact discovery cutoff and an expert discovery cutoff, as this will assist the Parties in sequencing and streamlining discovery.

Deadlines	Current Dates ¹	Proposed Amended Dates
Trial briefs, proposed voir dire questions, proposed jury instructions, and trial exhibits due	October 28, 2020	February 11, 2022

I. **ORDER**

It is so ordered.

Dated this 3rd day of August, 2020.



Robert S. Lasnik
United States District Judge